



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	AERTS, Eric.	Confirmation No.:	2124
Serial No.:	10/001,286	Art Unit:	1771
Filed:	November 30, 2001	Examiner:	TORRES VELASQUEZ, NORCIA LIZ
For:	NOT-SEW SEAMLESS TECHNOLOGY	Attorney Docket No:	9971-005-999 (636744-999003)

DECLARATION UNDER 37 C.F.R. §1.132 BY MR. ERIC AERTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, ERIC T. AERTS, do solemnly and sincerely declare and state that:

I. Background

1. I am the inventor of the above-identified application and several patent and patent applications assigned to G22 Altesse ("G22"). I am the inventor in US Patent No. 6,132,288 ("the '288 patent"), for which an application was filed on May 11, 1999. I am also the inventor in US Patent Application No. 10/668,462 in addition to the above-captioned patent application. These patents and patent applications are collectively referred to herein as the 'G22 Patent Filings'.

2. I live at 4 Jennifer Lane; Warren, NJ 07059.

3. I was employed by G22 Altesse, a company in the business of laminated undergarment technology for several years.

4. I helped to design and build much of the laminating machinery used in G22's factory.

5. I personally tested hundreds of different fabrics, adhesives, garment designs, temperatures, cycle times, pressure amounts, etc. in the development of G22's products.

6. I personally engaged in and oversaw the manufacturing of G22's laminated products

7. I understand that prelamination is presently not considered to be a limitation by the Patent Office in evaluating the claims directed to products in the above-referenced application, although the Patent Office may change its view.

8. I have read and am familiar with most of the prior art relating to the claimed invention.

9. I have read US Patent No. 3,657,060 ("the '060 patent") cited in the course of the prosecution of the above captioned patent application. The following remarks are provided in support of the patentability of the claimed invention.

II. Adhesive in one physical form is not the same as another adhesive in a second physical form even if the two adhesives have the same thickness.

10. It is not proper to infer that an adhesive in the form of a film is equivalent to the same thickness of an adhesive in the form of powders, webs or liquids.

11. Powder, web or liquid form of the adhesive affects the physical properties of the entire laminated article.

12. The physical form of the adhesive has an influence on many properties of a laminated article such as porosity, strength of adhesion, peeling, edge finish, and the amount of adhesive required.

III. G22 made machinery and laminated articles using polyurethane films having a thickness of less than 5 mils.

13. I could not find any teaching or suggestion for using prelamination in the '060 patent.

14. I determined that the '060 patent teaches lamination using a polyurethane film adhesive having a thickness greater than 5 mils.

15. Thick films are not a significant problem in the preparation of laminated articles.

16. In my experience, the thicker the adhesive film, the easier it is to handle the film.

17. Lamination with thick films yields articles with many less desirable properties.

18. In my experience, a strong bond is possible with thicker films, but thicker films also make the laminated fabric feel too rigid or rubbery.

19. However, lamination using thin films, such as less than 5 mils thick, has been a problem.

20. I understand obviousness to mean finding all of the limitations of a claim in more than one reference source, with evidence of a motivation to combine by one having no more than the ordinary skill in the art.

21. I discovered that the use of prelamination allows the use of thinner films for effective lamination resulting in the consistent preparation of laminated articles with a soft feel not possible previously.

22. Under my direction, the prelamination process helped G22 use and handle thinner films and thus create a softer feeling laminated garment.

23. The thinner laminated garments prepared with the aid of the prelamination process for handling the thin adhesive film unexpectedly did not suffer from excessive peeling.

24. The thinner laminated garments prepared with the aid of the prelamination process for handling the thin adhesive film exhibited excellent fabric feel.

25. I believe, the above-captioned patent application is the first patent application filing that teaches the making of a laminated article with adhesive films thinner than 5 mils.

26. I believe, the above-captioned patent application is the first patent application filing that teaches the making of a laminated article with adhesive films thinner than 5 mils is unexpected and, as a result, non-obvious.

27. As is apparent from the clear teaching in the '060 patent, acceptable laminated articles made with adhesive films thinner than 5 mils are unexpected.

28. Under my direction, G22 routinely prepared laminated articles using 3-4 mil thick films.

IV. G22 was the first manufacturer to utilize prelamination technology described in the above-captioned application to make a brassier with a large cup size.

29. In my experience, different types of laminated articles present different problems depending on the intended use of the article and the method of manufacturing.

30. In my experience, preparation of laminated straps is expected to present different technical issues than the molding of cups in a laminated brassier.

31. In my experience, it is expected that when making a brassier, as larger cups are molded, the fabric, fibers, and adhesives become thinner and weaker due to stretching compared to smaller cups.

32. In my experience, it is expected that larger cups provide greater support due to the larger breast to be supported by them.

33. Under my direction, G22 was able to increase the cup size with the addition of spacer-fabric lining to overcome the prior art limitations.

34. The largest brassier cup-size that I produced and successfully fitted was a 40DD/42D.

35. Under my direction, G22 was the first manufacturer to successfully execute a 40DD/42D size brassiere made exclusively from a single, continuous lamination (i.e. one process) by providing the necessary support.

36. In the absence of the above-captioned patent application, the making of a brassier with large cup sizes using lamination is not only novel, but is also not obvious.

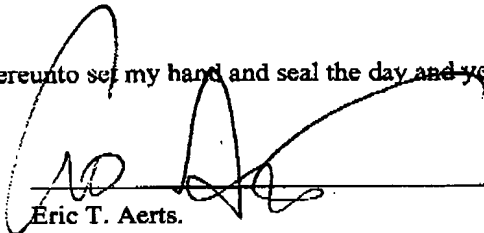
37. In conclusion, the '060 patent (i) establishes the need to use adhesive polyurethane films with thickness of more than 5 mils, (ii) does not teach, disclose or suggest making a brassier with a large cup size, and (iii) does not teach, disclose or suggest the use of prelamination.

38. Articles made using adhesive polyurethane films of greater than 5 mil thickness are less desirable due to their different physical properties than those made using adhesive films of less than 5 mils thickness as is taught in the above-captioned patent application.

39. I declare further that all statements made herein of my own knowledge are true and that all statements made are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my signature.

Dated: 9/12/06



Eric T. Aerts.

L.S.

Inventor, US Patent Application Nos. 10/001,286
and 10/668,462